

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

**FILED**

**DATE:** 04/01/10

1:37 O'Clock P.M.

**JEANNE HICKS, CLERK**

**BY: HEATHER SMITH**  
Deputy

**DIVISION: 6**

**HON. THOMAS B. LINDBERG**

**CASE NO. P1300CR20081339**

**JEANNE HICKS, CLERK**

**By: Heather Smith, Deputy Clerk**

**DATE: April 1, 2010**

**TITLE:**

**STATE OF ARIZONA**

(Plaintiff)

**vs.**

**STEVEN CARROLL DEMOCKER**

(D-1)

**COUNSEL:**

**Yavapai County Attorney**

(For Plaintiff)

**John Sears**

107 North Cortez Street, Suite 104  
Prescott, AZ 86301

**Larry Hammond**

**Anne Chapman**

OSBORN MALEDON, P.A.

2929 North Central Avenue, 21<sup>st</sup> Floor  
Phoenix, AZ 85012

(For Defendant)

**HEARING ON:**

Emergency Request for Hearing

**NATURE OF PROCEEDINGS**

**COURT REPORTER**

Roxanne Tarn

**START TIME: 1:37 p.m.**

**APPEARANCES:** Joseph Butner, Deputy County Attorney (telephonically)  
Jeff Paupore, Deputy County Attorney (telephonically)  
Larry Hammond, Counsel for Defendant (telephonically)  
Anne Chapman, Counsel for Defendant (telephonically)  
Christopher B. Dupont, Counsel for Victim Katie Democker (telephonically)  
Katherine Democker, Victim (telephonically)

Counsel for Defendant, Hammond, waives the appearance of the Defendant for the purpose of today's proceedings.

Court received a request for emergency hearing filed by Christopher Dupont representing Katie Democker, also known as Katherine Gray Democker. Katherine Gray Democker was subpoenaed pursuant to A.R.S. §§ 13-4091 securing attendance of witnesses from out of State for a criminal proceeding. Mr. Dupont has filed an application to quash the subpoena.

Christopher Dupont addresses the Court as to the Application to Quash the Certificate requesting attendance of out of State witness. Counsel requests the Certificate be quashed.

Counsel for State, Butner, believes the certificate is appropriate and requests the Court leave the Certificate in place.

The Court issued a certificate requesting the attendance of out of State witness "Katherine Democker" March 24, 2010 pursuant to the State's motion for same. **THE COURT NOW FINDS** the sub-certificate was premature and therefore **IT IS ORDERED** quashing the certificate requesting attendance without prejudice.

**IT IS ORDERED** setting a hearing regarding the certificate requesting attendance of an out of state witness for April 8, 2010 at 1:30 p.m. in Division 6.

Counsel for State, Butner, to provide the documentation filed in the first place to Christopher Dupont. Counsel to also provide more information as to what will be requested of the victim if it is not already in the application.

Court gives permission for Katherine Democker and Counsel Christopher Dupont to appear telephonically if that is needed at the April 8, 2010 hearing. Counsel for Victim, Christopher Dupont shall arrange the phone call if they appear telephonically. If Counsel for Defendant wishes to appear telephonically, they shall make arrangements with Christopher Dupont.

Counsel for Victim requests the Court direct Counsel for State to provide him with papers from the Los Angeles Courts indicating Katherine Democker is not needed in Court tomorrow and requests he have that by 5:00 p.m. today.

Counsel for State cannot be sure he will be able to get something in writing, however; he may be able to get an avowal from Counsel in L.A.

Court requests Counsel for State get an avowal from Counsel in L.A. indicating they will not be seeking sanctions against Katherine Democker for non-appearance and provide the name and information to Christopher Dupont prior to 5:00 p.m. today.

The Clerk will fax a copy of this order quashing the certificate to Counsel for State who shall then fax the document to Counsel in L.A.

Counsel for Victim requests today's order be faxed to the L.A. County Court. Court will attempt to contact the Court in L.A., Judge Peter Espinoza and get the information to have the order faxed to them.

Court indicates to Counsel for State and Counsel for Defendant, it received a request from Counsel for Defendant asking that the Court have the juror, as spoke about earlier, here tomorrow morning. Court notes, that is not enough time to get the Juror present and will attempt to have the Juror here next week.

Dated this 1<sup>st</sup> of April, 2010

  
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Thomas B. Lindberg, Judge of the Superior Court

**END TIME: 2:17 p.m.**

cc: CA – (faxed to 771-3110 4/1/10)

VS (e)

Division 6 - Calendar

YCSO (e)

Christopher Dupont (Counsel for Victim) Trautman Dupont, PLC, 245 West Roosevelt, Ste A, Phoenix, AZ 85003 (faxed to 602-344-0043 4/1/10)

DEAN TREBESCH (E) (PD)